

TOWN OF FOREST HEIGHTS COUNCIL WORK SESSION MEETING

Monday, May 2, 2022
7:30 pm
Municipal Building

Agenda

- I. Call to Order
- II. Roll Call
- III. Moment of Silence
- IV. Pledge of Allegiance to the Flag of the United States of America
- V. Approval of Agenda
 - a. Minutes from April 20, 2022, will be presented at May 18, 2022 Town meeting.
- VI. Presentation on National View Project (Conceptual Site Plan)
- VII. Public Period (limit 2 minutes)
- VIII. Reports
 - a. Treasurer
 - b. Public Works Director
 - c. Ombudsman
 - d. Police Chief
 - e. ARPA Project Manager
 - f. Town Administrator
- IX. Councilmember/Mayor Report
 - a. Ward I
 - b. Ward II
 - c. Ward III
- X. Legislation
 - a. Resolution 14-22 A resolution of the Mayor and Council of the Town of Forest Heights, Maryland to hire Jasmyynn Paynn, as a full-time employee with the Administration Department.
 - b. Resolution 27-22 A resolution of the Mayor and Council of the Town of Forest Heights, Maryland consenting to and approving the appointment and part-time employment of a speed monitoring system program ombudsman.
 - c. Resolution 28-22 A resolution of the Mayor and Council of the Town of Forest Heights, Maryland to affirm the Forest Heights police department's participation in the 30x30 Initiative to advance women in policing through recruitment, retention, and representation in all ranks.

TOWN OF FOREST HEIGHTS

COUNCIL WORK SESSION MEETING

- d. Resolution 29-22 A resolution to approve a Pre-Annexation agreement between the Town of Forest Heights and Harbor View Development, LLC for a nearby tract of land to be developed along with land already located within the Town's corporate limits.
- e. Resolution 30-22 A resolution of the Mayor and Council of the Town of Forest Heights, Maryland to approve the full-time employment and re-appointment of Graciela Celada as a code enforcement officer to serve within the Forest Heights police department.
- f. Resolution 31-22 A resolution of the Mayor and Council of the Town of Forest Heights, Maryland to approve the employment and appointment of Jay McCleave as a Police Officer to serve within the Forest Heights police department and to approve a reimbursement agreement.

XI. New Business

XII. Adjournment

Zoom:

Dial-In: 301-715-8592

Meeting ID: 860008316885

**Town of Forest Heights
Treasurer's Report
April 28, 2022**

	Bank Acct Balance <u>04/27/22</u>	Quickbook Balance <u>04/27/22</u>	Quickbook Balance <u>04/27/21</u>
TD Bank General Fund	86,358.81	21,986.26	98,513.82
TD Bank Rainy Day Fund	163,132.40	163,132.40	160,132.40
TD Bank Speed Camera	3,458,895.64	3,458,895.64	3,385,209.19
TD Bank ARPA Fund	948,755.94	948,755.94	213,664.59
	<u>4,657,142.79</u>	<u>4,592,770.24</u>	<u>3,857,520.00</u>

General Fund Highlights:

1. Transfer of funds from Speed Camera Account to General Fund - \$575,000.000
2. Real Estate Tax distribution - \$8,803.79
3. SRec sale of solar energy - \$744.93

ARPA Fund Highlights:

1. Transfer to the General Fund Checking Account in the amount of \$7,845.23 for the March/April Salary, quarterly FICA allocation, and retirement contribution for Officers hired under the COPS Grant.
2. Transfer to the General Fund Checking Account in the amount of \$6,307.70 for the Project Manager April 2022 Salary, quarterly FICA allocation, purchase of laptop/mouse and February/March phone expense.
3. Transfer to the General Fund Checking Account in the amount of \$55,445.18 for the deposit on the purchase of Police vehicles (5).
4. Transfer to the General Fund Checking Account in the amount of \$11,435.56 for the Cree Drive Renovation Project.

The Town of Forest Heights

Department of Public Works

Larry D. Vaughn, Director

April 28, 2022

Town Appearance:

- Maintenance and upkeep of the Community Park next to Henry's
- Daily Trash pickup throughout the town
- Monthly inspection of the Tot Lot
- Patching of potholes
- Reporting of Street light outages
- Leaf Pick up
- Cleaning storm drains and curbs of leaves and grass
- Cutting/removal of fallen trees
- Maintaining the Pet Waste Stations
- Monitoring of the Big-Belly Trash Compactors

Town Infrastructure:

- Fire Hydrant lanes, Speed Humps, painted on N. Huron
- New EV charger from Pepco has been installed by Weisman Electric for the DPW Garage
- We have yet to get the residents to understand/comply fully with the trash and bulk trash directives. Goode must also be consistent as to what they will and will not pick up.
- The grass cutting season is already upon us and grass is being blown out into the streets. We must stop this now before it gets out of hand.
- Negotiations for the installation of speed humps are coming to a close.
- There is an RFP ready to address the repair/replacement of the sidewalks in the town.

- **Cree Drive**
 - DPW inspects work progress every day.
 - Projected finish date for Phase I was mid to late March.
 - CW Noble, Mr. Robinson, Mr. Vaughn attended a walk thru with Raja El-War (FES) on 3/25/22 @ 9:00 am, to inspect the closure of Phase I of the Cree Dr. project.
 - Our findings are that there are a number of yards, driveways that need to be brought up to standards. Also noted a few trip hazards that will be addressed.
 - A couple of the driveways will have Pervious Concrete placed at the end to help with the drainage of water.
 - We also noticed that there were a number of homes where water was draining from their down spots, retaining walls and driveways on to the street.

The Town of Forest Heights

Department of Public Works

Larry D. Vaughn, Director

➤ Rolph Drive

- Z Con LLC to repair the Pervious Sidewalk on Rolph Dr. week of May 2nd

Building Infrastructure:

- The Town Hall building and FHPD trailer is being cleaned and sanitized by DPW daily.
- Ceiling tiles were replaced in the downstairs lobby in the Municipal Bldg.
- There have been heating and AC issues in the downstairs offices of the Municipal Bldg., we had contracted Jiffy HVAC, but that didn't correct the problem. Before moving forward, we will get a second opinion with another contractor.
- Acquired the services of Affordable Services LLC to mitigate the mouse issue in the Municipal bldg.

Equipment Maintenance

- Leaf Vac was in for repairs and inspection in order to obtain LG tags. There was an issue that the trailer did not have a VIN.
- Echo Pole saw repaired
- Two X-Mark Walk behind repaired
- Echo Back-pack Blower in shop
- Ford 2020 F-250 PM performed
- Ford 2010 F-250 brake work performed

Other Areas:

- Hired J. Santiago as new DPW Crewman II.
- New Motion lights has been installed in rear of Municipal Bldg.
- Answering Resident's concerns
- Making/receiving phone calls, follow ups and meetings with contractors and vendors daily.
- DPW putting out signs for the different events/meetings
- Purchased 50 bags of asphalt patch

TOWN OF FOREST HEIGHTS
AUTOMATED SPEED ENFORCEMENT OMBUDSMAN
April 2022
Ombudsman Report
Ronald B Govan

For the month of April, the Town of Forest Heights had

- **4** Late fees requested.
- **4** Late fee requests granted.
- **6** Cancel citation.
- **10** Flag Release

John E O'Connor
Program Manager
Monthly Report, April 2022

Mayor and Council,

The following is a list of action items that have been undertaken by the Program Manager in conjunction with the Staff of the Town of Forest Heights.

1. American Rescue Plan Semi Annual Report. This encompasses all expenditures, encumbrances, and allocations related to the first tranche of American Rescue Plan Funding. The report is to be submitted no later than April 30th, 2022
2. Presentation to Council at work session for Side-walk retro fit program. The sidewalk retro fit program is underway, and the Town is seeking approved contractors to facilitate the work. Once a contractor has been designated a resolution will be presented to Council for approval.
3. Presentation to Council for Speed Hump Program. A draft resolution and ordinance regarding the Speed Control Devices (Speed Humps) is being drafted. This outlines all requirements to be set, citizen requests, input, and conformance with the Manual for Uniformed Traffic Control Devices.
4. BoardDocs is being implemented since approval. The signed resolution and agreement is being sent to Diligent to begin implementation of the program.
5. The Department of Justice COPS Program has been solidified and approved by council. Worked with the Department of Finance to ensure allocation of funding and budget line items were appropriately created and designated for the project.
6. Began the process of switching to QuickBooks online. This will facilitate an online platform to assist with audits in the future and provide an ease of day-to-day operations for the Finance Department. This will also encompass payroll which should have a cost savings to the Town.
7. Worked with Town Staff to fully implement and deploy Bill.Com. Moving forward, after an additional Staff meeting, Bill.com will be the main source for all bill payments moving forward. This will provide a streamlined process to facilitate on time and have accounting control measures.
8. Worked with the Finance Department to establish an Automated Speed Enforcement Enterprise fund policy regarding fund limits and percentages. This will allow for the fund to be appropriately utilized and ensure the long-term sustainment of funding through the various programs and annexations processes that the Town is seeking.
9. Worked on the Audit task requests from the Department of Finance related to workers compensation.
10. Attended Staff meetings and coordinated with the Town Administrator to facilitate forward momentum and government readiness for services.

Town Council Report For 5.2.22 Work Session

(Town Administrator)

National View Project Status

The Zoning Hearing Examiner for Prince George's County issued a decision in July of 2021 recommending approval of the National View project rezoning (Case A-10055) subject to certain conditions. If you recall, the applicant, Petra Development, requested a rezoning from One Family Detached Residential (R-55) and Rural Residential (R-R) to the Mixed Use-Transportation Oriented Zone (M-X-T).

The applicant recently filed an application for a *Conceptual Site Plan* for the project to the M-NCPPC for formal acceptance. The Plan depicts where the applicant would like to place the buildings, entrances and exits to the site, and other development on the property.

The conceptual plan was formally accepted by M-NCPPC on or about MARCH 22ND. Thus, the review period has begun and will continue for approximately 90 days.

Letters have been mailed out to the public (persons of record) confirming M-NCPPC acceptance and the review process. The Town Council will receive a presentation regarding the submitted plan at the May Town Council Work Session.

If you have any questions, please contact the Town Administrator.

Cree Drive Drainage & Rehabilitation Project Status (Phase I)

The Cree Drive Drainage & Rehabilitation project is nearing completion and the following 3 components of the project have been finished by our contractor, FES Construction:

1. Installation of an underdrain system to carry stormwater into nearby storm drains.
2. Installation of new curbs and gutters where needed.
3. Installation of new driveway aprons where needed.

The Public Works Department staff has conducted a recent walk-thru and FES is addressing expressed concerns.

The Town has contracted with Choice Concrete to install new asphalt along Cree Drive, which is the final component of this phase of the project. Choice is expected to begin work the first week of June.

Please contact the Public Works Director or me if you have questions.

Town Council Report For 5.2.22 Work Session

(Town Administrator)

Fiscal Year 2021 Audit (DiSalvo, CPA Accounting Assistance.)

The Fiscal Year 2021 Annual Audit is underway with UHY, LLC. And, as you know the Town has requested an extension from the State of Maryland to complete the audit, which will allow time for us to satisfy the increased information requirements of the new auditor.

However, during this process the Town has determined that the audit is still behind schedule because of the need to provide this increased information and, because the Town accounting and audit functions and responsibilities over the past couple of years have significantly increased, with no increase in resources.

To catch up and speed up our information response to UHY, LLC the Town has enlisted the services of Francis DiSalvo, CPA to help compile the information to complete the audit.

As you are aware, Mr. DiSalvo has been the Town auditor for a number of years past and has the experience to help fast track the audit because of his history of work with us.

Staff will also provide staffing resource recommendations to the Mayor & Town Council as part of the upcoming FY23 Budget process to address this matter for the future.

Townhouse Construction Project Proposed for Talbert Drive

Mayor Washington and I were contacted in April by a developer who is interested in constructing a townhouse development on some vacant lots along Talbert Drive. Although only in the conceptual phase, the developers' vision for *Forest Heights Cove* is to assemble property owned by several entities in the vicinity of Talbert Drive to construct approximately 15 townhomes. The project may include several surplus lots along Talbert Drive that Prince Georges' County would give to the Town of Forest Heights.

Please contact the Town Administrator for more information.

Linwood Robinson Town Administrator

TOWN OF FOREST HEIGHTS
RESOLUTION 14-22

**A RESOLUTION OF THE MAYOR AND COUNCIL OF THE TOWN OF FOREST
HEIGHTS, MARYLAND TO HIRE JASMYNN PAYNN, AS A FULL TIME
EMPLOYEE WITH THE ADMINISTRATION DEPARTMENT**

Introduced By: Mayor Calvin Washington

WHEREAS, pursuant to Section 33-66 of the Charter of the Town of Forest Heights (the "Charter") the Council shall hire employee; and

WHEREAS, the Mayor and the Town Administrator have reported that the prior full-time Administrative Assistant resigned her position on January 4, 2022, and the Council finds that it is in the best interest of the Town to appoint a full time Administrative Assistant at this time; and

WHEREAS, Jasmynn Paynn was hired in a full-time temporary capacity as an Administrative Assistant to assist the Town Clerk who has been assuming the duties of an Administrative Assistant since the vacancy of the full-time position; and

WHEREAS, the Town Administrator finds that Jasmynn Paynn has shown that she has the necessary experience and knowledge to serve as a full time employee in the Administrative Department and it is in the best interest of the Town to hire Ms. Paynn, who will become a permanent full-time employee with all the benefits offered to full time employees of the Town and a salary of Forty Thousand (\$40,000) per year from line item 7015 Salary from the FY2022 Budget; and

NOW THEREFORE BE IT RESOLVED, that the Town Council hereby approves the hiring of Jasmynn Paynn as a full time employee effective May, 2022; and

BE IT FURTHER RESOLVED, that this Resolution shall take effect immediately upon its passage.

PASSED this ____ day of May 2022.

APPROVED: By Resolution of the Town Council of the Town of Forest Heights, Maryland

<u>ROLL CALL VOTE</u>	<u>YEA/NAY/ABSTAIN/ABSENT</u>
WASHINGTON	_____
KENNEDY II	_____
LILLY	_____
BARNES	_____
HINES	_____
NOBLES	_____
ATKINSON	_____

TOWN OF FOREST HEIGHTS
RESOLUTION 14-22

I HEREBY CERTIFY that the above Resolution No. 86-17 was passed by the required yeas and nays vote of the Mayor and Council of Forest Heights on the day of May 2022.

ATTEST:

THE MAYOR AND COUNCIL OF THE
TOWN OF FOREST HEIGHTS

Sherletta Hawkins, Town Clerk

By: _____ (Seal)
Calvin Washington, Mayor

By: _____ (Seal)
_____, Council President

Sherletta Hawkins, Town Clerk

**THE TOWN OF FOREST HEIGHTS
RESOLUTION 27-22**

**A RESOLUTION OF THE MAYOR AND COUNCIL OF THE TOWN OF
FOREST HEIGHTS, MARYLAND CONSENTING TO AND APPROVING THE
APPOINTMENT AND PART TIME EMPLOYMENT OF A SPEED
MONITORING SYSTEM PROGRAM OMBUDSMAN**

Introduced By: Mayor Calvin Washington

WHEREAS, during its 2014 regular session, the General Assembly of Maryland passed Senate Bill 350 and House Bill 929 entitled as the "Speed Monitoring Systems Reform Act of 2014," thereby mandating certain changes to local speed camera programs including the appointment of an ombudsman to review certain citations; and

WHEREAS, the Mayor and Council has or is considering Ordinance 04-14 amending Section 15.6 (Speed Monitoring Systems) of the Ordinance Code of the Town of Forest Height; and

WHEREAS, pursuant to Section 1 of said Ordinance 04-14, to be codified as Section 15.6(e) of the Town Ordinance Code, the Mayor with the approval of the Council shall designate an official or employee by resolution or ordinance to investigate and respond to questions or concerns about the speed monitoring system program and the local designee or ombudsman shall review a citation generated by a speed monitoring system if the person who received the citation requests a review thereof before the deadline for contesting liability under said Ordinance; and

WHEREAS, pursuant to said Ordinance 04-14 and state law, the ombudsman may not be employed by the speed monitoring system contractor or have been involved in any review of a speed monitoring system citation, other than a review of a citation requested by an alleged violator for review before the deadline for contesting liability; and

WHEREAS, pursuant to Subsection 7-302(e) of Md. Ann. Code, Courts and Judicial Proceedings Article, a political subdivision of this State that collects fines as a result of violations enforced by speed monitoring systems may recover the costs of implementing and administering said speed monitoring systems, and, subject to limitations established by law regarding the maximum amount of revenues that may be retained by the political subdivision, the political subdivision may spend the remaining balance solely for public safety purposes, including pedestrian safety programs, and

WHEREAS, Ronald Govan has served as the Town's Speed Camera Ombudsman previously and has shown that he has the necessary training and knowledge about the Speed Camera program;

WHEREAS, the Town Council further find that Ronald Govan has the requisite experience, education and knowledge to serve as Ombudsman for the speed camera program and it is in the best interest of the Town to employ and thereby appoint Ronald Govan as Ombudsman.

**THE TOWN OF FOREST HEIGHTS
RESOLUTION 27-22**

NOW THEREFORE BE IT RESOLVED, and enacted that the Town Council hereby approves the appointment of Ronald Govan as Ombudsman of the Speed Camera

Program to serve part time without benefits in said position at an hourly wage of \$20.00 for no more than 20 hours per week or less depending on the number of citations subject to review; and

BE IT FURTHER RESOLVED, that the Ombudsman shall report the number of citations reviewed each month to the Council and the disposition thereof and, except for Section 25.7, shall substantially follow were practical the hearing procedures found in Article 25 of the Town Ordinance Code; however, this provision shall be construed as directory only.

BE IT FURTHER RESOLVED, that line item 7301 (Speed Camera - Salaries) shall be used and designed within the FY 2022 Budget to defray the wage expense of said position at an amount not to exceed \$ \$12,500 unless approved by the Council.

BE IT FURTHER RESOLVED, that the position of Ombudsman shall report to the Mayor or her designee but in no event, shall said position or appointee report to or be supervised by the Town's speed camera vendor; and

AND BE IT FURTHER RESOLVED that this Resolution shall take effect upon its passage.

PASSED this ____ day of May 2022.

APPROVED: By Resolution of the Town Council of The Town of Forest Heights, Maryland

ROLL CALL VOTE

YEA/NAY/ABSTAIN/ABSENT

WASHINGTON

KENNEDY II

NOBLE ,

BARNES

HINES

LILLY

ATKINSON

ATTEST:

THE MAYOR AND COUNCIL OF THE TOWN
OF FOREST HEIGHTS, MARYLAND

Sherletta Hawkins, Town Clerk

By: _____
Calvin Washington, Mayor

**THE TOWN OF FOREST HEIGHTS
RESOLUTION 27-22**

By: _____
Taunya Hines, Council President

CERTIFICATION

I, hereby certify, as the duly appointed Town Clerk of the Town of Forest Heights, Maryland, that on the ____ day of May 2022 with ____ Aye votes and ____ Nay votes the aforesaid Resolution 27-22 passed.

Sherletta Hawkins, Town Clerk

**TOWN OF FOREST HEIGHTS
RESOLUTION 28-22**

**A RESOLUTION OF THE MAYOR AND COUNCIL OF THE TOWN OF FOREST
HEIGHTS, MARYLAND TO AFFIRM THE FOREST HEIGHTS POLICE
DEPARTMENTS PARTICIPATION IN THE 30X30 INITIATIVE TO ADVANCE
WOMEN IN POLICING THROUGH RECRUITMENT, RETENTION, AND
REPRESENTATION IN ALL RANKS**

Introduced By: Councilmember Paula Noble

WHEREAS, pursuant to Section 33-66 of the Charter of the Town of Forest Heights (the "Charter") the Town shall have the power to employ such officers and employees as it deems necessary to execute the powers and duties provided by the Charter or other state law and to operate the Town government; and

WHEREAS, the Forest Heights Police Department pledges to advance Women in policing by participation in National 30x30. Which aims to bring more women into policing to improve public safety, community outcomes, and trust in law enforcement; and

WHEREAS, as of April 11, 2022, the Forest Heights Police Department has signed onto the 30x30 Pledge – a series of low-and no-cost actions policing agencies can take to improve the representation and experiences of women in law enforcement; and

WHEREAS, the activities help policing agencies assess the current state of a department with regard to gender equity, identify factors that may be driving any disparities and develop and implement strategies and solutions to eliminate barriers and advance women in policing. These actions address recruitment, assessment, hiring, retention, promotion, and agency culture; and

WHEREAS, the Pledge is the foundational effort of the 30x30 Initiative – a coalition of police leaders, researchers, and professional organizations who have joined together to advance the representation and experiences of women in all ranks of policing across the United States. The 30x30 Initiative is affiliated with the Policing Project at NYU School of Law and the National Association of Women Law Enforcement Executives (NAWLEE); and

WHEREAS, the ultimate goal of the 30x30 Initiative is to reach 30 percent of women in police recruit classes by 2030, and to ensure policing agencies are truly representative of the jurisdiction the agency serves. While 30x30 is focused on advancing women in policing, these principles are applicable to all demographic diversity, not just gender; and

WHEREAS, more than 160 agencies – from major metro departments including the New York City Police Department, to mid-sized, rural, university and state policing agencies – have signed the 30x30 Pledge. The Pledge is based on social science research that greater representation of women on police forces leads to better policing outcomes for communities; and

**TOWN OF FOREST HEIGHTS
RESOLUTION 28-22**

WHEREAS, currently, women make up only 12 percent of sworn officers and 3 percent of police leadership in the U.S. This underrepresentation of women in policing has significant public safety implications. Research suggests that women officers:

- Use less force and less excessive force
- Are named in fewer complaints and lawsuits
- Are perceived by communities as being more honest and compassionate
- See better outcomes for crime victims, especially in sexual assault cases

NOW THEREFORE BE IT RESOLVED, that the Town Council hereby affirms the Forest Heights Police Departments participation in the 30x30 National Pledge; and

BE IT FURTHER RESOLVED, that said program will be run under the direction of Acting Captain Marcus Jones in the Bureau of Administrative Services; and

AND BE IT FURTHER RESOLVED that this Resolution shall take effect immediately upon its passage.

PASSED this _____ day of May 2022.

APPROVED: By Resolution of the Town Council of The Town of Forest Heights, Maryland

ROLL CALL VOTE

YE/NAY/ABSTAIN/ABSENT

WASHINGTON

KENNEDY II

NOBLE

BARNES

HINES

LILLY

ATKINSON

ATTEST:

THE MAYOR AND COUNCIL OF THE TOWN
OF FOREST HEIGHTS, MARYLAND

Sherletta Hawkins, Town Clerk

By: _____
Calvin Washington, Mayor

By: _____
Taunya Hines, Council President

**TOWN OF FOREST HEIGHTS
RESOLUTION 28-22**

**TOWN OF FOREST HEIGHTS
RESOLUTION 28-22**

CERTIFICATION

I, hereby certify, as the duly appointed Town Clerk of the Town of Forest Heights, Maryland, that on the ___ day of May 2022 with ___ Aye votes and ___ Nay votes the aforesaid Resolution 28-22 passed.

Sherletta Hawkins, Town Clerk



The Town of Forest Heights POLICE DEPARTMENT

Anthony N. Rease, Chief of Police

April 11, 2022

Maureen Q. McGough
Policing Project at NYU School of Law
40 Washington Square South, Suite 302
New York, NY 10012
maureen.mcgough@nyu.edu

Re: Letter of Intent to participate in the 30x30 Pledge to increase the recruitment, retention, and promotion of women in policing.

Dear Ms. McGough:

The Forest Heights Police Department is writing to confirm our intent to participate in the 30x30 Pledge for law enforcement agencies to improve the representation and experiences of women in policing. Our participation in the pledge will comprise the following activities:

Submitting baseline data and policies outlined in the pledge;
Pursuing all "essential" data collection and actions outlined in the pledge;
Exploring additional pledge elements and pursuing those that are relevant to our department's needs and can reasonably be achieved; and reporting on data and progress bi-annually.

We acknowledge that this pledge is not intended to be an accountability mechanism, but rather is a framework for how our agency can improve the representation and experiences of women officers. We understand that the goal of the pledge is to not only inform agency progress, but also to identify and understand barriers to progress such as resources, capacity, or authority.

In addition to confirming our participation in the pledge, this letter serves as consent to include our agency as a signatory on the 30x30 website. We acknowledge that the Policing Project will seek additional consent before making any agency reports, policies, or data public, and reserve the right to refuse at that time.

I have assigned Captain Marcus A. Jones to be your point of contact for pledge activities. They can be reached at mjones@forestheightsmd.gov and (240) 350-8877.

30x30 Letter of Intent_FHPD

Final Audit Report

2022-04-11

Created:	2022-04-11
By:	Marcus Jones (mjones@forestheightsmd.gov)
Status:	Signed
Transaction ID:	CBJCHBCAABAAIf7LVOqesewsdTVEcvDpPcqCua8WVenG

"30x30 Letter of Intent_FHPD" History



Document created by Marcus Jones (mjones@forestheightsmd.gov)

2022-04-11 - 3:52:04 PM GMT



Document emailed to Anthony Rease (anrease@forestheightsmd.gov) for signature

2022-04-11 - 3:52:29 PM GMT



Email viewed by Anthony Rease (anrease@forestheightsmd.gov)

2022-04-11 - 3:56:45 PM GMT



Document e-signed by Anthony Rease (anrease@forestheightsmd.gov)

Signature Date: 2022-04-11 - 3:57:01 PM GMT - Time Source: server



Agreement completed.

2022-04-11 - 3:57:01 PM GMT



Adobe Acrobat Sign

**THE TOWN OF FOREST HEIGHTS
RESOLUTION 29-22**

**A RESOLUTION TO APPROVE A PRE-ANNEXATION AGREEMENT BETWEEN
THE TOWN OF FOREST HEIGHTS AND HARBOR VIEW DEVELOPMENT, LLC
FOR A NEARBY TRACT OF LAND TO BE DEVELOPED ALONG WITH LAND
ALREADY LOCATED WITHIN THE TOWN'S CORPORATE LIMITS**

Introduced By: Mayor Calvin Washington

WHEREAS, Harbor View Development, LLC (the "Developer") having purchased the Butler and the Habib Foundation properties south of Cree Drive along with other properties, is in the process of developing the land in cooperation with the Town to obtain the necessary land use and other approvals from M-NCPPC, the State and the County; and

WHEREAS, the development area is approximately eleven (11) acres of land currently located inside the Town and nine (9) acres located outside of the Town including the Butler parcels and an SHA parcel near the Beltway and Bald Eagle Dr.; and

WHEREAS, the Mayor and Town Council approved Resolution 13-21 entitled "A Resolution to Approve and Support the Mixed-Use Development of the Property located within and abutting the corporate limits of the Town of Forest Heights known as 'National View'" supporting the mixed-use development known as National View (formerly Harbor View) on April 12, 2021, which included certain stipulations or conditions to be placed in this Agreement; and

WHEREAS, the rezoning application for National View (A-10055) proposed the rezoning of the subject properties from R-55 and R-R to M-X-T for the development of residential, retail, commercial, and medical uses, and the applicant is proposing 1,500-1,700 multi-family units (of which 600 may be dedicated to affordable senior and workforce housing), four assisted living buildings, 200,000 square feet of retail/commercial/office space (upscale dining options, and a hotel, all with spectacular water views), a 50,000 square-foot medical building, and a 3,000 square-foot police substation; and

WHEREAS, the County Council, sitting as the District Council, enacted Zoning Ordinance 6-2021 on October 27, 2021, and conditionally approved Developer's request in Zoning Map Amendment No. A-10055 to rezone the Development Site to the M-X-T (Mixed Use – Transportation Oriented) Zone; and

WHEREAS, pursuant to the authority contained in Md. Code Ann., Local Gov't Art., Title 4, Subtitle 4, specifically § 4-405, the Developer and the Town have agreed that certain terms, conditions and circumstances will apply to the annexation proceedings, the Development Site and to the Annexation Area; and

WHEREAS, pursuant to Section 24.12 of the Town Ordinance Code, full or partial tax abatements for property owners desiring to be annexed into the Town may be granted for such periods of time not to exceed 10 years as the Council finds is in the best interests of the Town and is fair to the property owner desiring annexation; and

**THE TOWN OF FOREST HEIGHTS
RESOLUTION 29-22**

WHEREAS, the Mayor and Council finds that Conceptual Site Plans (CSP's) establish the general arrangement of uses of lots, the circulation system, and those areas of the site to be conserved, and a Detailed Site Plan shows the proposed internal roads, pedestrian walks, parking areas, building relationships, landscaping, open space, recreation facilities, lighting, etc.; and

WHEREAS, the Mayor and Council further find that prior to the approval of a preliminary plan of subdivision within the Chesapeake Bay Critical Area, a Conservation Plan (CP) must be approved by the Planning Board; and

WHEREAS, the Mayor and Council further finds that the review period by M-NCPPC for CSP-21004 and CP 21006 ends on May 31, 2022, with a Technical Staff Report publishing date of May 12, 2022, a Planning Board hearing date of May 26, 2022, and a projected final decision resolution date of June 9, 2022, for the CP and the CSP; and

WHEREAS, the Mayor and Council further finds that the next and final phase of review before reaching the building and grading permit phase is the preliminary plan of subdivision and the detailed site plan review process; and

WHEREAS, according to the CSP, the Mayor and Council further finds that the National View development will have 7 buildings (A-G) of which Buildings D-G are all residential, and Buildings A-E will be 4-8 floors, and Buildings G and F (4-5 floors) will be assisted living and are located near Seneca Dr., and Buildings A - C located in the South of the site closer to the entrance near the Children's Farm, which will be mixed use including commercial and residential; and

WHEREAS, according to the CSP, the Mayor and Council further finds that the National View development will have a rotary or traffic circle located NW of Building G (the building furthest northwest on the site) and then the rest of the way will be a 18' bike path/emergency access with the last 100' +/- of the bikeway connecting to Seneca Dr; and

WHEREAS, according to the CSP, the Mayor and Council further finds that the existing and proposed treetops and vegetation along the border buffer on site will mask the buildings of National View from the adjoining lots on Cree Drive, and there will be no public (dedicated) streets in National View, and that all five (5) roadways will be privately owned and maintained, and that the shadows cast by the multi-story buildings in National View, according to the study found in the CSP records, do not substantially overshadow the existing residential buildings in the Town; and

WHEREAS, the Mayor and Council find that the developer shares the Town's vision regarding creating true sustainable communities and the development plans reflect responsible initiatives to implement green techniques, such as vegetative green roofs, community gardens, and use of pervious materials where appropriate, and they also understand the importance of health and wellness and are implementing and connecting walking trails and other amenities to advance the health of residents who will live, work and play there, and residents will be able to

**THE TOWN OF FOREST HEIGHTS
RESOLUTION 29-22**

walk safely from this development site along a connecting trail that leads across the Beltway to the National Harbor and beyond.

NOW, THEREFORE, BE IT RESOLVED, by the Town Council for The Town of Forest Heights, that the Town Council hereby authorizes the Mayor to enter into an Pre-Annexation Agreement Between The Town of Forest Heights and Harbor View Development, LLC, subject to the terms and conditions stated therein, attached hereto and incorporated by reference herein as Exhibit A, and to execute all necessary instruments or documents necessary to carry out and effectuate the intent of this Resolution.

AND BE IT FURTHER RESOLVED, by the Town Council, that the approval of and entry into said Annexation Agreement shall be contingent upon the performance of all of the material obligations of the parties thereto and the approval of an annexation resolution including the subject property enacted pursuant to State Law.

AND BE IT FURTHER RESOLVED, that this Resolution shall take effect immediately upon passage.

PASSED this ____ day of May 2022.

APPROVED: By Resolution of the Town Council of The Town of Forest Heights, Maryland.

ROLL CALL VOTE

YEA/NAY/ABSTAIN/ABSENT

LILLY	_____
KENNEDY II	_____
NOBLE	_____
BARNES	_____
HINES	_____
WASHINGTON	_____
ATKINSON	_____

ATTEST:

THE TOWN OF FOREST HEIGHTS,
MARYLAND

Sherletta Hawkins, Town Clerk

By: _____
Calvin Washington, Mayor

**THE TOWN OF FOREST HEIGHTS
RESOLUTION 29-22**

By: _____
Taunya Hines, Council President

CERTIFICATION

I, hereby certify, as the duly appointed Town Clerk of the Town of Forest Heights, Maryland, that on the ____ day of May 2022 with ____ Aye votes and ____ Nay votes the aforesaid Resolution 29-22 passed.

Sherletta Hawkins, Town Clerk

Exhibit A - PRE-ANNEXATION AGREEMENT BETWEEN THE TOWN OF FOREST HEIGHTS AND HARBOR VIEW DEVELOPMENT, LLC, attached hereto.

TOWN OF FOREST HEIGHTS
RESOLUTION 30-22

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE TOWN OF FOREST HEIGHTS, MARYLAND TO APPROVE THE FULL-TIME EMPLOYMENT AND RE-APPOINTMENT OF GRACIELA CELADA AS A CODE ENFORCEMENT OFFICER TO SERVE WITHIN THE FOREST HEIGHTS POLICE DEPARTMENT

Introduced By: Mayor Calvin Washington

WHEREAS, pursuant to Section 33-18(b) of the Charter, all full-time subordinate officers and employees of the offices, departments, and agencies of the Town government shall be appointed and removed by the Mayor with the consent of the Council, in accordance with rules and regulations of any merit system which may be adopted by the Council; and

WHEREAS, pursuant to Section 23.9 of the Town Code, the appointment of the Code Enforcement Officer shall be approved by ordinance or resolution, and a Code Enforcement Officer shall be appointed by the Mayor with the consent of the Council; and

WHEREAS, the Mayor and the Town Administrator have reported that the prior full-time Code Enforcement Officer resigned his position on January 24, 2022, and the Council finds that it is in the best interest of the Town to appoint a full time Code Enforcement Officer at this time; and

WHEREAS, Graciela Celada was hired in a part-time capacity to assist Police Officer Antoine Williams who has been completing the duties of a Code Enforcement Officer since the vacancy of the full-time position; and

WHEREAS, Police Officer Williams has advised that Ms. Celada has the necessary skills and training to serve as a full-time Code Enforcement Officer; and

WHEREAS, the Chief of Police advised in order to maintain Code Enforcement coverage the Police Department will need to hire full-time personnel; and

NOW THEREFORE BE IT RESOLVED, that the Town Council hereby approves, consents to, and ratifies the appointment of Graciela Celada to the position of Code Enforcement Officer

BE IT FURTHER RESOLVED, that said Code Enforcement officer shall now serve full-time at a rate of \$20.00 per hour and will become a full-time employee with all of the benefits offered to full-time employees of the town and a salary of forty thousand (\$40,000) per year from line item 7056 Salary from the FY2022 Budget; and

AND BE IT FURTHER RESOLVED that this Resolution shall take effect immediately upon its passage.

PASSED this ____ day of May 2022.

TOWN OF FOREST HEIGHTS
RESOLUTION 30-22

APPROVED: By Resolution of the Town Council of The Town of Forest Heights, Maryland

<u>ROLL CALL VOTE</u>	<u>YEA/NAY/ABSTAIN/ABSENT</u>
WASHINGTON	_____
KENNEDY II	_____
NOBLE	_____
BARNES	_____
HINES	_____
LILLY	_____
ATKINSON	_____

ATTEST:

THE MAYOR AND COUNCIL OF THE TOWN
OF FOREST HEIGHTS, MARYLAND

Sherletta Hawkins, Town Clerk

By: _____
Calvin Washington, Mayor

By: _____
Taunya Hines, Council President

CERTIFICATION

I, hereby certify, as the duly appointed Town Clerk of the Town of Forest Heights, Maryland, that on the ____ day of May 2022 with ____ Aye votes and ____ Nay votes the aforesaid Resolution 30-22 passed.

Sherletta Hawkins, Town Clerk

**TOWN OF FOREST HEIGHTS
RESOLUTION 31-22**

**A RESOLUTION OF THE MAYOR AND COUNCIL OF THE TOWN OF FOREST
HEIGHTS, MARYLAND TO APPROVE THE EMPLOYMENT AND APPOINTMENT
OF JAY MCCLEAVE AS A POLICE OFFICER TO SERVE WITHIN THE FOREST
HEIGHTS POLICE DEPARTMENT AND TO APPROVE A REIMBURSEMENT
AGREEMENT**

Introduced By: Mayor Calvin Washington

WHEREAS, pursuant to Section 33-66 of the Charter of the Town of Forest Heights (the "Charter") the Town shall have the power to employ such officers and employees as it deems necessary to execute the powers and duties provided by the Charter or other state law and to operate the Town government; and

WHEREAS, pursuant to Section 33-18(6) of the Charter, all full-time subordinate officers and employees of the offices, departments, and agencies of the Town government shall be appointed and removed by the Mayor with the consent of the Council, in accordance with rules and regulations of any merit system which may be adopted by the Council; and

WHEREAS, pursuant to Section 23.2 of the Town Ordinance Code, certain minimum qualifications for police officers is stated therein, and the Chief of Police has verified to the Mayor and Council that the candidate is of good moral character and emotionally stable, as determined by a comprehensive background investigation, which includes fingerprinting of the applicant and a search made of local, state and criminal records, including a check of military, selective service, school and credit agency records; and

WHEREAS, pursuant to General Order No. 2016-1 (Ch. 2, § 3) sworn personnel will remain on probation until successfully completing twelve (12) consecutive months of full-time employment with the FHPD and authorized by the FHPD Chief of Police as having successfully completed the probation period; and

WHEREAS, the Council finds that Jay McCleave, has shown that he has the necessary experience, training, MPTC certifications and knowledge to serve as a Police Officer in the Police Department and it is in the best interest of the Town to appoint Mr. McCleave as a Police Officer; and

WHEREAS, the Chief of Police advised to maintain effective 24hr police coverage the Police Department will need additional police personnel; and

**TOWN OF FOREST HEIGHTS
RESOLUTION 31-22**

WHEREAS, American Rescue Plan funds have been identified to temporarily fund the additional police personnel until the Town match funds for the Department of Justice COPS grant are identified; and

NOW THEREFORE BE IT RESOLVED, that the Town Council hereby consents to the Mayor's appointment of Jay McCleave at the annual salary of \$50,000; and

BE IT FURTHER RESOLVED, that said officer's salary shall be paid from line item 8200 Salary from the FY2022 Budget: and

BE IT FURTHER RESOLVED, that the Town Council hereby approves the Reimbursement Agreement, attached hereto, and incorporated herein, as Exhibit 1, which requires said officer to reimburse the Town in an amount not to exceed \$5,000 should he be unwilling to serve for the requisite minimum of two (2) years.

AND BE IT FURTHER RESOLVED that this Resolution shall take effect immediately upon its passage.

PASSED this _____ day of May 2022.

APPROVED: By Resolution of the Town Council of The Town of Forest Heights,
Maryland

ROLL CALL VOTE

YEA/NAY/ABSTAIN/ABSENT

WASHINGTON

KENNEDY II

NOBLE

BARNES

HINES

LILLY

ATKINSON

ATTEST:

THE MAYOR AND COUNCIL OF THE TOWN
OF FOREST HEIGHTS, MARYLAND

**TOWN OF FOREST HEIGHTS
RESOLUTION 31-22**

Sherletta Hawkins, Town Clerk

By: _____
Calvin Washington, Mayor

By: _____
Taunya Hines, Council President

CERTIFICATION

I, hereby certify, as the duly appointed Town Clerk of the Town of Forest Heights, Maryland, that on the ____ day of May 2022 with ____ Aye votes and ____ Nay votes the aforesaid Resolution 31-22 passed.

Sherletta Hawkins, Town Clerk